

## REMARKS

The Examiner has rejected a number of the claims under 35 U.S.C. §102 based upon U.S. Patent No. 3,299,496 to Christensen, and has rejected other claims under 35 U.S.C. §103 based upon Christensen in view of U.S. Patent No. 6,311,378 to Menguc.

Closer inspection will show, however, that the Christensen reference suffers from a fundamental shortcoming which prevents it from anticipating the claimed invention or making the same obvious. That shortcoming is that Christensen does not include first and second pairs of gripper jaws, whereas each pair of gripper jaws includes two jaws that can move relative to each other between an open and closed position so that they may grip an article therebetween. The present invention then further has an actuator which moves the first pair of gripper jaws toward the second pair of gripper jaws. Thus there are three actions that occur, for example, with the invention of claim 1, namely a first gripping by the first gripper assembly, a second gripping by the second gripper assembly, and then a movement of the first gripper assembly toward the second gripper assembly.

The Christensen device has no means for accomplishing either the first gripping motion or the second gripping motion, but instead provides only a single motion of the one jaw 16 toward the second jaw 30. Christensen does not grip an article in its first jaw 16 or its second jaw 30, but merely could be said to engage articles within the fixed opening of either of the jaws 16 or 30.

This shortcoming of Christensen will be readily apparent if one tries to visualize using the Christensen device to assemble a rigid tube into a flexible hose as

described in the present application. It is readily apparent that the Christensen device cannot do so, because it provides no means for gripping either the flexible hose or the rigid tube.

Turning now to the specific language of the claims, the shortcomings of the cited references will be highlighted, as will some clarifying language which has been added to the claims to emphasize the distinction noted above.

### **Claims 1-3 and 6-9**

First it is noted that claim 1 has been amended to clarify the fact that the first set of gripper jaws are “movable relative to each other from an open position to a closed position” for gripping one of the flexible hose or the rigid tube. The description of the second set of gripper jaws has been similarly amended.

Now comparing the language of amended claim 1 to the Christensen reference, the Christensen reference fails to anticipate the invention of claim 1 for at least the following reasons:

1. The jaw 30 of Christensen, which the Examiner has analogized to the “first gripper assembly” of claim 1 does not include “a first set of gripper jaws movable relative to each other from an open position to a closed position for gripping” the flexible hose or the rigid tube. Instead, the Christensen item 30 is simply a rigid bifurcated jaw which itself provides no gripping ability.
2. Similarly, the item 16 of Christensen which the Examiner has analogized to the “second gripper assembly” fails to include “a second set of gripper jaws

movable relative to each other from an open position to a closed position for gripping” the other of the flexible hose or rigid tube.

3. Furthermore, there is absolutely no teaching or suggestion in Christensen or in the other cited references which would lead one to substitute a pair of movable gripper jaws for the fixed bifurcated jaw of Christensen.

Claims 2, 3, and 6-9 are dependent from amended claim 1 and are submitted to be allowable for the same reasons as indicated for claim 1 plus the further reason that the additional features of those claims are not taught in combination with all of the features of claim 1 by any of the cited references.

#### Claims 4-5, 10-15 and 20-29

The Examiner had indicated that claims 4-5, 10-15, 19-20 and 24-29 included allowable subject matter.

Claim 4 has been rewritten in independent form and claim 5 depends therefrom.

Claim 10 has been rewritten in independent form and claims 11 and 12 depend therefrom.

Claim 13 has been rewritten in independent form and claims 14 and 15 depend therefrom.

Claim 16 has been rewritten in independent form and claims 17, 18, 20 and 21 depend therefrom.

Claim 22 has been amended to include a portion of the subject matter of original claim 24, namely the first trigger, and claim 22 has been further amended to

clarify that the first pair of jaws of the first gripper assembly are “movable relative to each other”. Thus, it is submitted that independent claim 22 as now clarified clearly distinguishes the Christensen reference. Claims 23-29 depend from amended claim 22 directly or indirectly.

### **Claims 30-35**

Turning now to the set of method claims 30-35, they are still presented in their original form, and they are submitted to be allowable over the cited references for the following reasons.

Step (a) of claim 30 requires “gripping the flexible hose with a first pair of powered jaws”. As explained above, the rigid bifurcated jaw 30 of Christensen does not grip anything, and it is not a pair of powered jaws.

Similarly, step (b) of claim 30 requires “gripping the rigid tube with a second pair of powered jaws”. Again, Christensen’s second rigid bifurcated jaw 16 does not perform any gripping action and cannot be described as “a second pair of powered jaws”.

Finally, step (c) of claim 30 requires moving the first pair of powered jaws toward the second pair of powered jaws “with power assistance”, referring to the power assistance such as that provided by the pneumatic ram 42 as seen in Fig. 3 of the present application. The Christensen device, on the other hand, clearly is manually actuated and does not include a power mechanism.

Finally, it is noted that claim 30 is specific to the method of assembling “a flexible hose” and a rigid tube. The Christensen reference does not show or describe

any means for either gripping or assembling a flexible hose with anything. Instead, the articles being assembled by Christensen are two rigid quick connect members which are simply being moved together in a linear motion with no gripping of either article required. The rigid quick connect members 58 and 60 being assembled by Christensen are simply freely engaged by the rigid bifurcated jaws 16 and 30 of Christensen. Thus Christensen does not in any way address the problem of assembling a flexible hose which must somehow be gripped and held while it is then moved onto a rigid tube.

The remaining dependent claims 31-35 go into yet further detail on how this method of assembling a flexible hose and rigid tube is accomplished, and again Christensen does not even address these issues.

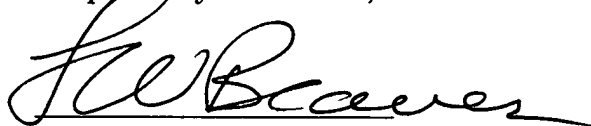
It is noted that the Examiner has acknowledged that the subject matter of claims 34-35 are allowable and would be allowable if rewritten in independent form, but those claims have not been rewritten since it is believed that the parent claim 30 from which they depend should be allowed in its original form for the reasons set forth above.

#### **Fees for Additional Independent Claims**

By the present amendment the total number of independent claims has been increased by three, and accordingly Applicant's check in the amount of \$132.00 for the three additional independent claims is enclosed herewith. Any additional fees or credits due with regard to this amendment may be charged to Deposit Account 23-0035.

In conclusion, it is believed that the amendments and arguments set forth above are sound, and accordingly reconsideration of the application is requested along with an early indication of the allowance of claims 1-18 and 20-35.

Respectfully submitted,



Lucian Wayne Beavers  
Registration No. 28,183  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

ATTORNEY FOR APPLICANT

This attorney may be contacted in our Nashville office at:

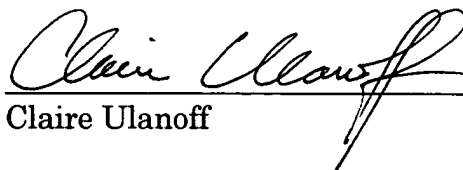
Lucian Wayne Beavers  
Waddey & Patterson  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this Amendment and check in the amount of \$132.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on 11-4-04.

  
Claire Ulanoff

11-4-04  
Date